14N 0 9 2007 B

01/10/2007 BABRA

01 FC:1814

PTO/SB/25 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Inder the Paperyork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional) 9319G-000747

In re Application of: Takamitsu HIGUCHI

Application No. 10/808,250 Filed: March 24, 2004

For: METHOD OF MANUFACTURING POTASSIUM NIOBATE SINGLE CRYSTAL THIN FILM, SURFACE ACOUSTIC WAVE ELEMENT, FREQUENCY FILTER, FREQUENCY OSCILLATOR, ELECTRONIC CIRCUIT, AND ELECTRONIC APPARATUS

The owner\*, <u>Seiko Epson Corporation</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number <u>10/916,208</u>, filed on <u>August 11, 2004</u>, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check eith	er box 1 or 2	below, if appropri	iate.						
1. 🗌		sions on behalf c.), the undersigne		-				versity, gover	nment
information statements	n and belief a s and the like	lare that all stater tre believed to be so made are pun uch willful false sta	true; and furth nishable by find	er that thes e or impriso	e statemer onment, or	its were made both, under S	with the knowle ection 1001 of	edge that willfu Fitle 18 of the	ıl false United
2. 🛚	The undersi	gned is an attorne	ey of record.	Reg. No.	27,362,14 1- hu	0,344 An Mala	men	1-9.	-07
HA1 000000 130.00 D		10808250		-/-		Signature on Schivley	/ Bryant E. V	Dat Vade	<del></del> е
				7		Typed or pri	nted name		
							248.641.1	600	
						•	Telephone Number		
□ Termi	nal disclaime	er fee under 37 CF	R 1.20(d) is in	cluded.					

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA22313-1450.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.